IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8722 OF 2005

Lavitesh Yashwant Satrange]
aged 17 years, father and]
natural guardian Shri Yashwant]
S. Satrange, Naygaon Koliwada,]
Tal: Vasai, Dist: Thane 401207]..Petitioner
versus
1. State of Maharashtra]
through its Secretary]
Tribal Development Department]
Mantralaya, Mumbai 400 032]
2. Scheduled Tribe Certificate]
Scrutiny Committee, Konkan]
Division, Thane, through its]
Deputy Director (R) and]
Member-Secretary, having its]
office at Wagale Estate,]
Thane (West), Dist: Thane]
3. Deputy Collector]
in the office of the Collector]
Thane Dist. Thane]..Respondents

Shri R. M. Mendadkar Advocate for the Petitioner.
Shri C. R. Sonawane AGP for the Respondents.

CORAM : R.M.S. KHANDEPARKAR &
NARESH H. PATIL, JJ.

DATE : 22ND AUGUST, 2006

ORAL JUDGMENT : (Per: N. H. Patil, J.) :

1. Heard.

2. Rule. By consent, returnable forthwith.

3. The Petitioner applied for verification of his caste certificate / claim before the Scrutiny Committee. The case of the petitioner is that he belongs to Mahadev Koli Scheduled Tribe. By an order dated 31.3.2005, the Scrutiny Committee invalidated the claim of the petitioner and cancelled the caste certificate issued in favour of the petitioner by the Deputy Collector, Collectorate, Thane, issued on 31.12.2001. The Committee while rejecting the claim of the petitioner observed that the caste claim of the petitioner's real sister and real aunt were invalidated by the committee by an order dated 27.8.2002. It was further observed by the Committee that the relations of the Petitioner had preferred a Writ Petition No. 4485 of 2002 against the Order passed by the Committee in their case. The said Petition thereafter came to be withdrawn.

4. The Committee placed reliance on the case of verification of caste certificate of the sister of the Petitioner in whose case the claim was rejected by the Committee. The reference to the cases of relations of the Petitioner could be one of the grounds while considering the caste claim of a

person, but certainly it could not be sole criteria to decide one's caste claim.

5. The father of the petitioner was issued a show cause notice and was directed to appear before the committee on 14.3.2005. The committee further observed in the matter that the father of the petitioner had prayed for adjournment before the Committee which was refused. The Committee observed that the order in respect of petitioner's real sister and paternal aunt had attained finality, therefore the claim of the petitioner belonging to Mahadev Koli Scheduled Tribe was not sustainable.

6. Perusal of the order passed by the Scrutiny Committee shows that the committee did not consider the claim of the petitioner on its own merits and the material placed on record. We find that there was total non application of mind on the part of the Committee towards the case of the Petitioner and clear breach of the procedure. The manner in which the claim of the petitioner was decided by the Committee, could not be held to be correct approach by the Committee. The Committee ought to have considered the material placed on record by the

petitioner and thereafter ought to have decided the issues raised by the petitioner. The impugned order is passed in a slipshod manner.

7. We make it clear that while disposing of this Petition, we have not expressed any opinion regarding merits of the matter as we propose to remand the matter back to the Committee for fresh appreciation of the case. The Committee shall deal with all the issues raised by the Petitioner and shall thereafter arrive at conclusion based on the material placed before it.

8. For the reasons stated above, the impugned order passed by the Committee in the case of the petitioner is hereby set aside and the matter is remanded back to the Committee. The petitioner shall appear before the Committee on 19.9.2006. The Committee to decide the claim of the petitioner in accordance with law within six months from 19.9.2006. Rule made absolute accordingly. No order as to costs.

(R.M.S. KHANDEPARKAR, J.)

(NARESH H. PATIL, J.)